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Roy J. Wivell, witness of lawful age, produced on behalf of the Plaintiff, having been first duly sworn, deposes and says:

Questions by Mr. Martin:

- Q. Tell the Court your full name?
- A. Roy Joseph Wivell.
- Q. And your address?
- A. Emmitsburg, Rd. 2
- Q. How old are you?
- A. 76
- Q. How long have you lived at this particular location?
- A. 64 years
- Q. I am going to show you what has been marked Plaintiff's Exhibit 11 and I ask you if you can identify anything contained therein?
- A. (Pointing to the paper he had been handed) We should be in here somewheres.
- Q. Is that a fair representation of where your property is located?
- A. Yes
- Q. It runs along Dry Bridge Road?
- A. Yes. I guess that's pretty good, don't know what this is up here (indicating on plat)
- Q. That's Sappington lot. Will you put No. 1 in Red to show your property?
- A. It's right along here (marking with red pencil)
- Q. Are you familiar as to where property of Mr. Bentz is located??
- A. Right in here (indicating with red pencil) This is where Roy Glass lives, this is, he sold this off this up here to Sappington Brothers on Frederick Road, if I am not mistaken this land lies along here.
- Q. Does that appear to be a fair representation of what is known as Bentz property?
- A. Yes, I rather think it is.
- Q. Will you be so kind as to put No. 2 in red in the middle of that plat of the land you knew to be Mr. Bentz's ground?
- a. Mr. Wivell put mark on the plat.
- Q. Has it changed over the years? Does it appear to have gotten bigger or smaller?
- A. Not for a lot of years more years than I can recall. No, (indicating) this property come off of this place.
- Q. You are talking about Roy Glass property?
- A. Yes.
- Q. How are you familiar with that property 3 in what way?